

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**ADIB K. TIMBUKTU and  
CHAD BERNARD PARHAM,**

**Plaintiffs,**

**v.**

**Case No. 05-C-492**

**RONALD MALONE et. al.,**

**Defendants.**

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**ORDER OF RECUSAL**

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On November 5, 2009, the Honorable J.P. Stadtmueller referred this case to the undersigned for the purposes of conducting a settlement conference. This court conducted a telephone status conference with counsel for the parties on November 12, 2009 to discuss the scheduling of a settlement conference. At this status conference, the court noted that a separate case involving Mr. Timbuktu, Timbuktu v. Clarke, 07-C-622, is currently pending before this court. In that case, the defendant, Milwaukee County Sheriff David A. Clarke, Jr., like the defendants in this case, is represented by Milwaukee County Corporation Counsel; Mr. Timbuktu is proceeding pro se in that case.

The court raised the concern that under the circumstances presented, notably that Mr. Timbuktu is proceeding pro se in that case and both cases involve claims against defendants employed and represented by Milwaukee County relating to Mr. Timbuktu's incarceration, if the court were to conduct a mediation in the present case, circumstances may arise that might call into question the court's ability to preside impartially over Mr. Timbuktu's separate case. At a

minimum, the fact that Mr. Timbuktu has a separate similar case pending might cause the court to proceed less candidly than the court otherwise might in a mediation.

Although both counsel stated that neither had an objection to the court continuing with the mediation, defense counsel indicated that as part of the mediation in this case, the county may wish to pursue a global settlement of all of Mr. Timbuktu's pending claims, including those raised in case number 07-C-622. Further, appointed counsel for the plaintiffs in this case stated that, if necessary, they would agree to accept a limited appointment to represent Mr. Timbuktu in 07-C-622 solely for the purposes of mediation.

In light of the county's stated desire to pursue a global settlement that would include the claims raised in Mr. Timbuktu's case currently pending before this court, pursuant to 28 U.S.C. § 455(a), I shall recuse myself from conducting the settlement conference in this case. See Kearny v. Milwaukee County, 2007 U.S. Dist. LEXIS 98744 (E.D. Wis. 2007).

**ACCORDINGLY**, I recuse myself from this case pursuant to 28 U.S.C. § 455(a). This case is hereby returned to Judge Stadtmueller for reassignment to another magistrate judge.

SO ORDERED.

Dated at Milwaukee, Wisconsin this 12th day of November, 2009.

s/AARON E. GOODSTEIN  
U.S. Magistrate Judge